

# **MYRTLE CREEK IMPROVEMENT DISTRICT BOARD OF SUPERVISORS' MEETING MINUTES**

## **FIRST ORDER OF BUSINESS**

The Board of Supervisors' Meeting for the Myrtle Creek Improvement District was called to order on Monday, August 17, 2020 at 5:00 p.m. via telephonic conferencing due to the COVID-19 Executive Order 20-179.

Present via phone:

Bob Da Silva	Chairman
Kam Shenai	Vice-Chair
John Lynaugh	Assistant Secretary
Marsha Leed	Assistant Secretary

Also attending via phone:

Jennifer Walden	PFM
Lynne Mullins	PFM
Amanda Lane	PFM
Tucker Mackie	Hopping Green & Sams
Jeff Newton	Donald W. McIntosh Associates, Inc.
Larry Kaufmann	Construction Supervisor & Construction Committee Member
Scott Thacker	District Landscape Supervisor & Construction Committee Member
Chris Wilson	Construction Committee Member

## **SECOND ORDER OF BUSINESS**

### **Public Comment Period**

Ms. Walden noted for the record there were no public comments at this time.

## **THIRD ORDER OF BUSINESS**

### **Discussion Regarding Executive Orders 20-179**

Ms. Walden noted that included in the packet is Executive Order 20-179 which states that the District can hold their meetings via telephonic conferencing due to the COVID-19 situation. Also included is a proof of the ad that was placed for today's meeting which notes those executive orders as well as the telephonic conferencing information so the public can safely join. Additionally, new orders came out last week, Executive Order 20-193, which has extended using telephonic conferencing through the end of September.

## **FOURTH ORDER OF BUSINESS**

### **Consideration of the Minutes of the July 21, 2020 Board of Supervisors' Meeting**

Board Members reviewed the minutes from the July 21, 2020 Board of Supervisors' Meeting.

On Motion by Mr. Shenai, second by Mr. Da Silva, with all in favor, the Board of Supervisors for the Myrtle Creek Improvement District approved the Minutes of the July 21, 2020 Board of Supervisors' Meeting.

#### **FIFTH ORDER OF BUSINESS**

#### **Consideration of Resolution 2020-10, Approving an Annual Meeting Schedule for Fiscal Year 2021**

Ms. Walden explained the District currently meets on the 3<sup>rd</sup> Tuesday of the month at 5:00 p.m. We are recommending keeping the same schedule with the exception of the November meeting which would be held on the 2<sup>nd</sup> Tuesday of the month. The Construction Committee meetings would continue to take place at the office of Donald W. McIntosh Associates every other week.

On Motion by Mr. Da Silva, second by Mr. Shenai, with all in favor, the Board of Supervisors for the Myrtle Creek Improvement District approved Resolution 2020-10, Approving an Annual Meeting Schedule for Fiscal Year 2021

#### **SIXTH ORDER OF BUSINESS**

#### **Discussion regarding Materials on the District Website**

Ms. Walden explained District Counsel created a memo for the Board outlining amendments to the District's website requirements. District staff is requesting the Board's opinion on the following items: the audit is no longer required to be posted but the link to audit on the Auditor General's website will suffice, the public facilities report is no longer required to be posted and the meeting materials accompanying the agenda outline are no longer required to be posted.

These amendments to the requirements will cut down on work required to convert the files as part of the ADA requirements. A discussion took place. The Board expressed that they want to stay as transparent with the public as possible and removing these documents could hinder that transparency for the public.

On Motion by Mr. Da Silva, second by Ms. Leed, with all in favor, the Board of Supervisors for the Myrtle Creek Improvement District approved removing the Audit Report from the website and providing a link to the Auditor General Website and keeping the Public Facilities Report and Agenda Package as is on the District Website.

## **SEVENTH ORDER OF BUSINESS**

### **Consideration of Appointment to Construction Committee**

Ms. Walden stated that District staff is recommending replacing Mr. Scott Thacker with Mr. Matt McDermott, who is the Landscape Representative for Tavistock. Mr. Kaufmann added that Mr. Thacker will still be around to advise the team as needed.

Ms. Mackie explained the role of the Construction Committee to the Board.

On Motion by Ms. Da Silva, second by Mr. Lynaugh, with all in favor, the Board of Supervisors for the Myrtle Creek Improvement District approved the replacement of Mr. Scott Thacker with Mr. Matt McDermott.

## **EIGHTH ORDER OF BUSINESS**

### **Consideration of Revision to Engineer's Report for Capital Improvements for Infrastructure (Wellspring & Performance Drive)**

Mr. Newton presented the Revised Engineer's Report for Capital Improvements for Infrastructure (Wellspring Drive and Performance Drive). The modification to the report adds a section regarding Developer's acquisition of some federal funding through a BUILD Grant Program to help with alternative mobility facilities. A discussion took place.

Mr. Newton explained that the Performance Drive improvements relate to alternative mobility including autonomous vehicles at the Lake Nona Town Center and extending the service to USTA as well as multipurpose paths for cyclists and pedestrians. Ms. Mackie added that the Performance Drive Project was approved years ago and goes beyond the Master CIP funded through the issuance of Bonds for which Myrtle Creek residents pay a portion of their assessment which goes toward the debt. If there is debt issued to fund the project described in this report then those assessments would only be levied upon the lands that benefit from this project which does not include any of the Village Walk property. The project could be funded by the issuance of bonds but it hasn't yet. Even if it is never funded by bonds, the District maintains that landscaping and only the USTA Performance Drive Parcel would pay a portion of those assessments. Currently it is being funded by the Developer but that could change in the future and parcel owners could fund the project but not the Village Walk properties.

On Motion by Mr. Shenai, second by Mr. Lynaugh, with all in favor, the Board of Supervisors for the Myrtle Creek Improvement District approved the Revision to Engineer's Report for Capital Improvements for Infrastructure (Wellspring Drive and Performance Drive).

## **NINTH ORDER OF BUSINESS**

### **Consideration of Personnel Leasing Agreement with Berman**



Ms. Mackie explained the Lake Nova Developer and the Myrtle Creek ID lease certain employees that provide their expertise to the District. Those individuals are Mr. Paul Stevens, who is the Irrigation Specialist, and Mr. Scott Thacker. Both individuals are no longer employees of the Developer as they are now with a subsidiary named Berman Construction, LLC.

District Counsel consolidated two different Personnel Leasing Agreements into one for Maintenance Contract Administration and the Irrigation Specialist at amounts previously discussed with the Board in connection with the proposed budget. The Administrator cost is \$16,000.00 and the Irrigation Specialist cost is \$20,000.00. The purpose of the Agreement is to document the increase in cost and consolidate the agreements and put them between the correct parties.

On Motion by Mr. Shenai, second by Mr. Da Silva, with all in favor, the Board of Supervisors for the Myrtle Creek Improvement District approved the Personnel Leasing Agreement with Berman Construction, LLC.

#### **TENTH ORDER OF BUSINESS**

#### **Consideration of Berman Agreement**

Ms. Mackie explained this agreement has not been formalized in writing but over time the District has had the need to make certain repairs to hardscape infrastructure and done so under the authorization to the District Manager to pursue those repairs outside of a Board Meeting. When the District was established one of the original resolutions gave a certain spending limit to the District Manager for amounts necessary to either make emergent repairs or for items already identified in an amount in the District's Budget. Over time the District has used a few different companies to provide for those services but historically Berman has been doing those repairs for a number of years so District staff wanted to formalize the Agreement with Berman to do that work as needed. If approved, any services that are needed from Berman would be done through a work authorization form which is attached as Exhibit A to the Agreement. If it falls below the \$5,000.00 then those authorizations can be given outside of a meeting but if there is time to do so those authorizations would come to the Board in advance.

Ms. Walden added if the District Manager did approve something outside a meeting with that work authorization at the next meeting it would be brought back to the Board to ratify. Ms. Mackie stated the way in which the Board typically ratifies those are when they are approving the O&M expenditures from prior month and those work authorizations would show up in the O&M and if a Board Member has a question with a particular payment to Berman they can ask that. If the Board would like those expenses to be pulled separately it can be done.

Mr. Lynaugh asked if these would be for emergency work and items that need to be addressed quickly. Ms. Mackie responded that is correct and it would set the terms by which the work would be performed.

On Motion by Mr. DaSilva, second by Mr. Lynaugh, with all in favor, the Board of Supervisors for the Myrtle Creek Improvement District approved the Agreement with Berman Construction, LLC.



## **ELEVENTH ORDER OF BUSINESS**

### **Consideration of District Counsel Fee Increase Letter**

Ms. Walden explained District staff brought this item previously before the Board along with the DM Fee Increase Letter. After discussion with the Developer, they are comfortable moving forward with the District Counsel Fee increase supplied here. As for the DM Fee increase, that has been put on hold and that amount originally in the budget was shifted to the administrative miscellaneous expense line item for future consideration later in the Fiscal Year.

On Motion by Mr. Lynaugh, second by Mr. Shenai, with all in favor, the Board of Supervisors for the Myrtle Creek Improvement District approved the District Counsel Fee Increase Letter.

## **TWELFTH ORDER OF BUSINESS**

### **Public Hearing on the Adoption of the District's Annual Budget**

- a) Public Comments and  
Testimony**
- b) Board Comments**
- c) Consideration of  
Resolution 2020-11,  
Adopting the Fiscal Year  
2021 Budget and  
Appropriating Funds**

Ms. Walden noted the District noticed this hearing pursuant to Florida Statutes and requested a motion to open the public hearing.

On Motion by Mr. Da Silva, second by Mr. Lynaugh, with all in favor, the Board of Supervisors for the Myrtle Creek Improvement District opened the Public Hearing.

Ms. Walden noted that the budget is an exhibit to the Resolution and is the same overall budget that the Board approved in preliminary form back in May. Ms. Walden asked for questions and comments on the budget from the public. Hearing none, she requested a motion to close the public hearing.

On Motion by Mr. Shenai, second by Ms. Leed, with all in favor, the Board of Supervisors for the Myrtle Creek Improvement District closed the Public Hearing

Mr. Da Silva stated this public hearing was intended to be an interactive discussion with the community and residents of Myrtle Creek and due to the COVID-19 situation was too difficult to happen although the opportunity was available to the public. Ms. Walden requested a motion to approve Resolution 2020-11.

On Motion by Mr. Shenai, second by Mr. Da Silva, with all in favor, the Board of Supervisors for the Myrtle Creek Improvement District approved Resolution 2020-11, Adopting the Fiscal Year 2021 Budget and Appropriating Funds.

#### **THIRTEENTH ORDER OF BUSINESS**

#### **Consideration of Resolution 2020-12, Adopting an Assessment Roll for Fiscal Year 2021 and Certifying Special Assessments for Collection**

Ms. Walden explained the Resolution will impose the Special Assessments for Fiscal Year 2021 based on the budgets that were adopted.

Ms. Shenai asked why some parcels do not have any amount for Debt Service. Ms. Lane stated that property owners have the option of paying off their bond, at which point they would no longer have a Debt Service amount due.

Ms. Walden requested a motion to approve Resolution 2020-12.

On Motion by Mr. Shenai, second by Mr. Da Silva, with all in favor, the Board of Supervisors for the Myrtle Creek Improvement District approved Resolution 2020-12, Adopting an Assessment Roll for Fiscal Year 2021 and Certifying Special Assessments for Collection.

#### **FOURTEENTH ORDER OF BUSINESS**

#### **Ratification of Operation and Maintenance Expenditures paid in July 2020 in an amount totaling \$41,577.16**

Board Members reviewed the Operation and Maintenance Expenditures paid in July 2020 in an amount totaling \$41,577.16.

On Motion by Mr. Da Silva, second by Mr. Shenai, with all in favor, the Board of Supervisors for the Myrtle Creek Improvement District ratified the Operation and Maintenance Expenditures paid in July 2020 in an amount totaling \$41,577.16

## **FIFTEENTH ORDER OF BUSINESS**

### **Recommendation of Work Authorizations/Proposed Services**

Mr. Kaufmann stated that there were no Work Authorizations for this Board.

## **SIXTEENTH ORDER OF BUSINESS**

### **Review of District's Financial Position and Budget to Actual YTD**

Board Members reviewed the Statement of Financial Position and Budget to Actual through July 31, 2020. Ms. Walden noted that the District has expenses of \$613,000.00 vs. an overall budget of just over \$1,000,000.00. No action is required by the Board.

Mr. Shenai commented on District Irrigation Repairs and asked for an update about the reimbursement from the County. Ms. Lane responded that she had emailed the County and the contractor several times to request an update and they are not responding. Mr. Kaufmann stated they may want to wait until the project is finished to respond. Ms. Mackie noted she was copied on the most recent request and will be pushing the issue with them as well. Mr. Shenai asked who is responsible for paying for the repairs. Ms. Mackie responded that both parties are responsible and are involved as Felix has a contract with the County.

## **SEVENTEENTH ORDER OF BUSINESS**

### **Staff Reports**

#### District Counsel –

Ms. Mackie suggested that if the District doesn't know if Village Walk is going to be available by a date determined by Ms. Mullins, that she goes ahead and advertise the meeting for the Marriott. Ms. Mullins will confirm a deadline date by tomorrow and let District staff know.

#### District Manager –

Ms. Walden noted the next meeting is scheduled for Tuesday, September 15, 2020 and it will be held virtually.

#### District Engineer –

No Report

#### Construction Supervisor –

No Report

#### District Landscape Supervisor–

No Report

## **EIGHTEENTH ORDER OF BUSINESS**

### **Supervisor and Audience Comments & Adjournment**

There were no Supervisor requests or audience comments. Ms. Walden requested a motion to adjourn.



On Motion by Mr. Shenai, second by Mr. Lynaugh, with all in favor, the August 17, 2020 meeting of the Board of Supervisors for the Myrtle Creek Improvement District was adjourned.



Secretary/Assistant Secretary



Chair/Vice Chair